

## Planning Commission Communication

Department: Community Development	Ordinance No. _____	Public Hearing: 03/08/16
CASES #SUB-16-003 & ZC-16-005	Resolution No. _____	
Applicant/Owner: Albert Pribramsky P.O Box 241954 Omaha, NE 68124		
Surveyor: Rogers Surveying Carl Rogers 1688 Rolling Hills Loop Council Bluffs, IA 51503		

### Subject/Title

**Request:** Combined public hearing on the request of Albert Pribramsky to rezone property legally described as part of Lot 1, Auditor's Subdivision of the SE1/4 NW1/4 of Section 5-74-43, West of the 5<sup>th</sup> Principle Meridian, City of Council Bluffs, Pottawattamie County, Iowa from R-3 (County) to R-1E/Single-Family Residential Estates District and for final plat approval of a four-lot residential estates, minor subdivision to be known as Prib Subdivision along with a variance to allow proposed Lots 3 & 4 to exceed the maximum 3:1 lot width to depth ratio and a variance to allow proposed Lots 3 & 4 to be less than the required 125 foot lot-width. Said property being more particularly described as follows:

Commencing at the Northwest corner of said Lot 1, thence South 0°10'00" West, along the West line of said Lot 1, a distance of 12.00 feet to the point of beginning; thence North 88°43'00" East, and parallel with the North line of said Lot 1, a distance of 553.22 feet to a point that is 102.00 feet West of the East line of said Lot 1; thence South 0°13'27" West a distance of 386.17 feet to a point on the Northwesterly right-of-way line of Longview Loop, said point being on a non-tangent curve concave Northwesterly and having a radius of 4034.45 feet; thence Southwesterly, along the Northwesterly right-of-way line of said Longview Loop and along a portion of said curve, an arc length of 255.14 feet and with a chord bearing and distance of South 78°22'27" West, 255.10 feet to the end of said curve; thence South 80°11'05" West, along the North right-of-way line of said Longview Loop, a distance of 122.13 feet to the beginning of a tangent curve concave Southeasterly and having a radius of 899.27 feet; thence Southwesterly, along the Northwesterly right-of-way line of said Longview Loop and along a portion of said curve, an arc length of 190.42 feet and a with a chord bearing and distance of South 74°07'08" West, 190.06 feet to a point on the West line of said Lot 1; thence North 0°10'00" East, along the West line of said Lot 1, a distance of 498.02 feet to the point of beginning.

**Location:** 1170 Longview Loop, Council Bluffs, IA 51503.

### Background/Discussion

The Community Development Department has received an application from Albert Pribramsky to rezone and replat the above described property into a four-lot residential estates subdivision.

**Rezoning (Case #ZC-16-005)**

The subject property contains 5.54 acres of land and was voluntarily annexed into the City of Council Bluffs on November 20, 2015 (see Case #AN-15-001). The applicant requests to rezone the subject property from R-3(County) to R-1E/Single-Family Residential Estates District in order to replat the property into a four-lot residential estates subdivision (see Attachment 'A'). One of the proposed lots (Lot 2, Prib Subdivision) will contain an existing single-family residential dwelling owned by the applicant. All properties in the general vicinity of the request are developed with single-family residential dwellings with the exception of the "Diller Greenhouse" property to the abutting east. Properties to the abutting north, east and west are all located within an unincorporated area of Pottawattamie County and are zoned R-3(County), see Attachment 'B'. Properties to the south are zoned R-3 (County) and R-1E/Single-Family Residential District (City). Majority of these properties are located within an unincorporated area of Pottawattamie County, except for properties at 1201 Longview Loop (Lot 1, Loftus Subdivision) and 1335 Longview Loop (Lot 3, Ridge View Estates Subdivision, Phase 1) which are located within the City of Council Bluffs.

1. The future land use plan of the Bluffs Tomorrow: 2030 Plan designates the area as rural residential and agricultural. The proposed rezoning is generally consistent with the plan.
2. All property owners located within 200 feet of the proposed rezoning were notified of the request. No public comments and/or inquiries have been received for the request as of the date of this report.
3. Section 15.08A.010, *Statement of Intent (R-1E District)*, of the Council Bluffs Zoning Ordinance states the R-1E District is intended for low density residential neighborhoods characterized by single-family detached dwellings on large lots. This district is also intended for areas of the City in which sanitary sewer service is deemed to be impractical due to topography or the availability and proximity of sanitary services. It is also appropriate for established areas of the city where it serves to preserve existing low density neighborhoods and for newly developed area where environmental concerns preclude smaller lots.
4. The minimum lot area for property zoned R-1E District is one acre. The minimum lot width is 125 feet and minimum lot depth is 200 feet. All proposed lots comply with the minimum lot area and lot depth requirements. Lots 3 & 4, Prib Subdivision are proposed to be less than the required 125 lot width. The applicant has requested a subdivision variance to allow said lots to be less than the required 125 feet.
5. Private sewage disposal systems are allowed on property zoned R-1E District, in accordance with Section 15.08A.060, *Additional Regulations (R-1E District)*, of the Council Bluffs Zoning Ordinance.

**Final Plat (Case #SUB-16-003)**

The applicant has submitted request to replat the subject 5.54 acre parcel into four residential estate lots. Each lot is proposed to be developed with a single-family detached dwelling that will use a private sewage disposal system for sanitary service.

1. In general, the proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Subdivision & Zoning Ordinances.
2. The applicant has requested a variance to exceed the maximum 3:1 lot to depth width ratio and a variance to allow proposed Lots 3 & 4, Prib Subdivision to have a lot width of less than 125 feet (see Attachment 'C' and 'D'). The applicant has requested said variance in order to preserve the existing dwelling at 1170 Longview Loop (proposed Lot 2, Prib Subdivision). All proposed lots exceed the minimum one acre required in an R-1E/Single-Family Residential Estate District. All proposed lot widths are adequate in size to allow the development of a single-family residential dwelling. The Community Development Department recommends approval of both variance requests on the basis

- that all proposed lots are generally consistent with R-1E District development standards and that the variances allow all lots to be relatively uniform in shape and size.
3. All proposed lots will have direct access to Longview Loop which is public roadway owned by Pottawattamie County. The Council Bluffs Public Works Department requested the applicant rebuild Longview Loop to current City standards from the intersection of Valley View Lane to the east property line of proposed Lot 4, Prib Subdivision. The Community Development Department discussed the request with Public Works and stated that such roadway improvements are financially impractical at this time. The requested road improvements would be appropriate and feasible if the subject property was developed to an urban density. The Community Development Department is of the opinion that developing properties along Longview Loop to an urban density is very challenging due to topographical constraints, annexations, multiple lands owners and the existing development patterns. The proposed four lot subdivision is the highest and best use of the subject property based on existing development patterns along Longview Loop.
  4. The Council Bluffs Public Works Department has requested the applicant extend sanitary sewer and sidewalks to the proposed subdivision. The Community Development Department also discussed this request with Public Works and is of the opinion that extending sanitary sewer and sidewalks to the proposed subdivision is financially impractical at this time, based on reasons stated above. The City allowed properties at 1335, 1401 and 1415 Longview Loop (Lots 1-3, Ridge View Estates Subdivision, Phase 1) to be developed with private sewage disposal systems due to cost and availability of sanitary sewer along Longview Loop.
  5. The Council Bluffs Public Works Department stated the applicant must address stormwater management as the subdivision is larger in size than one acre and each lot is part of the greater development. The Community Development Department discussed this request with Public Works and is of the opinion that the applicant address stormwater management on a lot-by-lot basis since each lot is greater than one acre and has the ability to control its stormwater run-off on-site.
  6. The Council Bluffs Health Department stated that each proposed lot is sufficient in size to allow a private sewage disposal service on-site. The Health Department stated both the closed and open portions of the septic systems must be setback a minimum of 10 feet from all abutting property lines, residential dwelling and/or garage structures and from the edge of any drainage ditch. The maximum length of any septic lateral shall not exceed 100 feet. The applicant shall contact the Council Bluffs Public Health Department and secure all appropriate permits to provide private sewage disposal for all proposed lots.
  7. The Council Bluffs Building Division stated they have no comments for the proposed request.
  8. Council Bluffs Water Works stated water is available along Longview Loop to service all lots.
  9. Cox Communications stated they have no concerns with the proposed request.
  10. The standard lot line easements for the purpose of providing utility easements to each lot are stated on the final plat. All utilities to service each individual lot must be installed underground. Existing utility services at 1170 Longview Loop (proposed Lot 2, Prib Subdivision) can remain in their current condition until such time the utility must be upgraded and/or relocated on-site. At such time the utilities shall be installed underground.
  11. There are no private restrictions and/or covenants proposed for the subdivision, as per the final plat.

### Recommendation

The Community Development Department recommends:

- 1) Approval to rezone property legally described as being part of Lot 1, Auditor's Subdivision of the SE1/4 NW1/4 of Section 5-74-43, West of the 5<sup>th</sup> Principle Meridian, City of Council Bluffs, Pottawattamie County, Iowa from R-3 (County) to R-1E/Single-Family Residential Estates District based on reasons stated above. Said property being more particularly described as commencing at

the Northwest corner of said Lot 1, thence South 0°10'00" West, along the West line of said Lot 1, a distance of 12.00 feet to the point of beginning; thence North 88°43'00" East, and parallel with the North line of said Lot 1, a distance of 553.22 feet to a point that is 102.00 feet West of the East line of said Lot 1; thence South 0°13'27" West a distance of 386.17 feet to a point on the Northwestern right-of-way line of Longview Loop, said point being on a non-tangent curve concave Northwesterly and having a radius of 4034.45 feet; thence Southwesterly, along the Northwestern right-of-way line of said Longview Loop and along a portion of said curve, an arc length of 255.14 feet and with a chord bearing and distance of South 78°22'27" West, 255.10 feet to the end of said curve; thence South 80°11'05" West, along the North right-of-way line of said Longview Loop, a distance of 122.13 feet to the beginning of a tangent curve concave Southeasterly and having a radius of 899.27 feet; thence Southwesterly, along the Northwestern right-of-way line of said Longview Loop and along a portion of said curve, an arc length of 190.42 feet and with a chord bearing and distance of South 74°07'08" West, 190.06 feet to a point on the West line of said Lot 1; thence North 0°10'00" East, along the West line of said Lot 1, a distance of 498.02 feet to the point of beginning; and

- 2) Final plat approval for a four-lot residential estates subdivision to be known as Prib Subdivision, as shown on Attachment 'A', subject to the comments above and the following conditions:
- Granting a variance to allow proposed Lots 3 & 4, Prib Subdivision to exceed the minimum 3:1 lot width to depth ratio, based on reasons stated above.
  - Granting a variance to allow proposed Lots 3 & 4, Prib Subdivision to be less than the required 125 foot lot width for property zoned R-1E/Single-Family Residential Estates District, based on reasons stated above.
  - All utilities shall be installed underground.
  - The applicant shall obtain all appropriate permits from the Council Bluffs Public Health Department regarding private sewer disposal services on each proposed lot.
  - Sanitary sewer, sidewalks and road improvements along Longview Loop shall not be required for the development of the proposed Prib Subdivision, based on reasons stated above.
  - The applicant shall work with the Council Bluffs Public Works Department to address stormwater management for the proposed Prib Subdivision. Any change(s) to the subdivision layout to address stormwater management shall be updated on the final plat prior to execution.

#### Attachments

Attachment A: Prib Subdivision final plat

Attachment B: Zoning/location map

Attachment C: Variance request to allow proposed Lots 3 & 4, Prib Subdivision to exceed the maximum 3:1 lot depth to width ratio.

Attachment D: Variance request to allow proposed Lots 3 & 4, Prib Subdivision to be less than the required 125 foot lot width.

Surveyor: Rogers Surveying, 1688 Rolling Hills Loop, Council Bluffs, IA 51503.

Prepared by: Christopher N. Gibbons, AICP, Planner